

As advertised in the Journal Herald newspaper, the Packer Township Supervisors held their regular monthly meeting on Tuesday, May 2, 2023 at the township building. Bob Selert called the meeting to order and roll call was taken. All were present.

The meeting was opened to the floor. Gary Gerhard asked about the 10% or 5% discount the Supervisors offered to some residents who are delinquent on their garbage bills and if he could get a discount. Bob S. explained that when garbage was \$220/year, after late fees and Creditech collection fees, the total owed is \$471.90. The 10% discount is off of the \$471.90 not the \$220. Gary asked if anybody went to the magistrate's office to file a civil suit. Atty. Yurchak explained the process and that the delinquents were given time to pay. Stephanie confirmed that two property owners have made payment arrangements. Atty. Yurchak continued that the rest will have a complaint filed at the District Justices office. They will have an opportunity to defend it in front of Judge Homanko and he presumes they will get a judgement. They will have 30 days to appeal from that. After that is an execution process to send the Constable out to their property and execute on whatever they own. Gary asked how the amounts got so high and Bob S. responded that the process used previously was to wait for the property to be sold. We are moving forward on it now and our judgement at the magistrate will be for the totals owed. For example if they have \$5000 of personal property in their house that no bank has a lien on it will be sold at municipal sale. Gary asked if the township can have the garbage company stop picking up their garbage. Bob S. responded that other municipalities face the same problem and if it isn't picked up where will it get dumped. Brian Walters added that they will get arrested for illegal dumping which is illegal. Gary wants the township to take away their cans. Brian asked why the residents don't pay directly to the hauler. Bob S. explained that the ordinance was set up in 1986. We have had municipal collection in the township since the mid 80's because not everybody was complying to have a their own private hauler and that is why the Supervisors at the time passed the ordinance. Brian thinks it is great, he is all for it. He doesn't have a problem with the price but doesn't think somebody should get a discount because they didn't pay their bill. Bob S. explains again that the discount is on the total after all the fees. Gary Gerhard doesn't think they should get a discount on that either though. Penalty. He says the supervisors are wrong and going backwards. Bob S. responded that we have settled one account whose owner was at the last meeting and to be fair to everybody else we offered the same thing. There was one who was making some payments and he has contacted us but at the end of the month the rest will be taken to the magistrate for the process to play out. Hopefully everybody sees this realizes that they have to pay their garbage bill or their personal property, like TV's or lawn tractors will be sold. They will pay one way or the other. We are taking a different approach beyond a municipal lien. Terry added that we are trying to move forward and settle this. Atty. Yurchak added that the idea is to try to get as much money as fast as you can without incurring addition expense. Whatever we do from here on out is going to be an additional expense. So we are trying to get as much money up front in a lump sum as we possibly could rather than just letting it drag out from month to month. Brian Walters said that if it cost the township money, that is fine to set an example. Atty. Yurchak continued to say that we foot the cost initially for the filing fees and stuff like that. We are trying to reduce the amount we will have to put out initially by offering a settlement to let them pay a lump sum. Gary asked how long they have not paid the bill to owe \$5000, at least ten years. They probably never paid a bill; they just threw the bill away. Bob S. said please let the process pan out. April Walters asked if this was voted on at the last meeting and Bob S. responded yes to offer a discount to pay up. I believe it is in the minutes. Brian Walters asked if there was an option to not have trash service. The answer is no and Bob S. added that the only way a residence is exempt is if it is uninhabitable. We define uninhabitable as no electricity, no running water.

Roy Christman who lives in Towmensing Township talked. Their farm is part of the Pennsylvania Farmland preservation program and it is a preserved farm. He is here to talk about sewage sludge. He understands the Township has an ordinance already about sewage sludge but he wants to go further with that. You probably know that humans, unlike chickens or cows, add foreign substance to their waste. The flush down antibiotics and medicines including radioactive cancer drugs, they have viruses and bacteria and if they live in the city and sewage sludge that's coming to Carbon comes from Bethlehem and Allentown, storm water goes in

there as well with all kinds of chemicals and heavy metals. Under PA law municipalities are limited in what they can do to regulate the sludge. The law has been changed from what it was when we joined to what it is today and my wife Linda Christman is going to talk about how that law changed and what we would like you to do. Linda explains that the sludge that comes into Carbon County is called Class B sludge. It's the least treated type of sludge. There is Class A, B and Exceptional. Exceptional can be used without a permit but the type coming into Carbon County is Class B and one concern is that it has forever chemicals. These chemicals do not breakdown in the environment and they don't breakdown in the human body. So when you ingest or come in contact with PFAs that is accumulating it doesn't dissipate. You have a greater chance of getting cancer, endocrine interrupters and etc. It's a very scary cancer causing sludge. The EPA has just reduced the amount allowed in water to almost zero. Since the sewage sludge is coming from these two urban areas it does have a lot of things of concern. In 1982 the right to farm act passed and this was a reasonable law to protect farm activities from lawsuits and from municipal regulations unless the farmers actions threatened the health and welfare of nearby residents or threatened to pollute a stream or a well. In that case the municipality could respond. This was a reasonable law but then corporate agriculture got involved. In 1997 the Nutrient Management Act was passed and in 2002 Act 38, called the ACRES Act was passed. These two laws took away the right of the municipalities to regulate farm activities including extreme farm activities such as feed lots are industrial pig. For example, if a farm had been in business for 10 years as a farm, at that point the farmer could decide he wants to have an industrial pig farm; this is the kind of things with big lagoons full of pig feces. There would be nothing you could do about it. Not under your zoning laws, not under any kind of nuisance ordinance and that's great for the farmer but if you lived next door to a farm you're going to be worried about contamination of your well, you're going to be bothered by the smell because sewage sludge smells exactly like you think it would. The sewage sludge when it is treated is dry so it can blow over into adjoining properties. It will cause adjoining neighbor' property values to go down. Also included in this law, something that you cannot regulate through zoning laws or nuisance is sewage sludge. If you have an ordinance already it probably says that the farmer has to notify his neighbors before he applies sewage sludge and if probably says that he has to put up a sign once he has applied the sludge warning people that sludge is on the crop. I'm just guessing that is what is on there. We would like to see a return to the original right to farm act. It offered protections for the residents and the farmer. We want the regulations concerning manufacturing, application of sewage sludge strengthened and rigorously enforced. When this sewage sludge is applied to farms, and it's just a way to get rid of this solid waste, there is a reporting form that is filled out but it is self-reported, self-regulated. There is nobody that goes out and checks on it. We think that is wrong, there ought to be somebody checking to make sure that they are abiding by the rules that are their already. We want the oversight of sewage sludge consolidated to the PA Dept. of Environmental Protection. Currently oversight is divided between the Dept. of Agriculture and DEP. As you know, whenever you get two branches of government involved it is a mess. You don't know who to report a problem to or who regulates. We are going around to communities asking them to pass an ordinance that says simply that municipalities should have the right to intervene if their citizen's health and welfare effected or if the sewage sludge threatens to pollute a stream or a well. That is all, very simple, very reasonable. If we can get the support of municipalities we will take that support and we will go to Harrisburg and try to get the law changed back to the original Right to Farm Act. We will also Allentown and Bethlehem and try to embarrass them because what they are doing is taking their problem and dumping it in Carbon County. We are becoming a waste dump for these two municipalities. So that is what we will do ordinance, your resolution if you adopt it. If you have any questions I'd be glad to answer them. Bob S. responded that we passed a resolution last month so we are not going to pass another one because what you are asking for goes too far. We have asked legislatures to look at the nutrient management law. Look at sewage sludge in particular, look at the ACRE law and to use university studies to say, yes, this is happening. Bob explains recent studies that found that drinking water supplies for well over a million people in demographic lines *may* be contaminated by the chemicals. It is estimated that there are 97% present in the water right now. If you look on different websites you will see food packaging that I am sure every one of us has had a bag of fries from McDonald's, you are exposed to that stuff. Until there is university backed studies that say, yes this happening then there is a concern. These things are everywhere. We did pass the resolution last week that Jim Thorpe

passed; I think Nesquehoning did, so I need not further need to pass another resolution. We will give you the resolution. Linda said that is great and we appreciate your support. That resolution will do exactly what we want it to do, to support us when we go to Allentown, Bethlehem and Harrisburg. Thank you. Bob S. said that if anyone wants to look into this further there was one website he has faith in, it was Consumer Reports, but he could not print it out and another, Environmental Health News which is a very controversial site.

Susie Gerhard made a motion to approve the minutes. Terry Davis seconded the motion and Bob Selert agreed. Vote 3-0.

Ordinances and Resolutions – Bob Selert explained that the stand alone noise ordinance is still being reviewed after the people who opposed the windmills and their attorneys reviewed it and matching what we have in the zoning ordinance AN ORDINANCE OF THE TOWNSHIP OF PACKER AND PROHIBITING NOISE DISTURBANCES ABRIDGING THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE RESIDENTS OF PACKER TOWNSHIP. Terry added that we will hold a special meeting in about a week. Atty. Yurchak requested a copy of the reviewed ordinance.

Reports of Officials and Committees –

Barry Isett & Associates – Permit/Zoning & Code Enforcement officer- Absent. ZONING: April 3, 2023: Received an email concerning 227 Packer Dr with photos after a rainfall. Uploaded it to the server and completed the report with my findings.

April 4, 2023: Forwarded monthly report for the Supervisor's meeting and forwarded what I had finished for 227 Packer Dr.

April 11, 2023: Responded to email concerning. Burning on Quakake and Railroad. Spoke with Marybeth from DEP. She asked that I keep an eye on both properties.

April 17, 2023: Email response to property owner (1625 Spring Mountain) regarding permit application process.

April 18, 2023: Researched serval cats and sent letter stating that there are no Ordinances prohibiting having them.

April 19, 2023: Site visits to two properties that had complaints of illegal burning DEP asked me to watch. I was unable to see the burn piles. I will call DEP for follow up. She also asked about a Solid Waste ordinance and all I could locate is a Solid Waste Station Ordinance.

April 20, 2023: Uploaded photos from yesterday and emails and phone calls concerning the illegal burning and Solid Waste Ordinance

April 21, 2023: Phone calls and research concerning a property on Spring Mountain Rd. that was burnt down and whether a new driveway permit would be necessary. That would probably be a state issue.

April 25, 2023: Phone calls concerning upcoming hears with Magistrate. Left message for 1867 Wetzel Run and 374 Packer Dr. stating that if they submit Zoning applications that I can withdraw the charges.

April 26, 2023: Phone call with Larry Suravicz concerning driveway access on Spring Mountain Rd. I did a site visit to confirm that there is an existing driveway.

April 27, 2023: While looking at Spring Mountain Rd. I went to Sand Springs Rd. And found that the owner of 110 Sand Spring Rd. has demolished the existing house. Upon returning to the office, I found that no Demo or Zoning Permit were applied for. I sent an email to the property owner. Uploaded photos and issued a building permit for 325 RR. Phone discussion and follow up email regarding garage demo and reconstruction (1625 Spring Mountain Rd)

April 28, 2023: Received a complaint of garbage on 1297 Quakake Rd. I will stop by on Wednesday May 3rd while in the Township.

Upcoming Court Hearings:

May 8, 2023 @ 9:50A: 374 Packer Dr. No Zoning Permit or E&S plan.

May 8, 2023 @10:00A: 1867 Wetzel Run Dr. No Zoning Permit and Garbage and Debris.

May 8, 2023 @10:10A: 2006 Quakake Rd. No Zoning Permit for Change of Use.

PA UCC: April 4, 2023: Application received for 325 Railroad Drive (Residential Metal Roof); permit approved and issued.

April 20, 2023: Application received for 2851 Wetzel Run Drive (Addition to Single Family Dwelling); Code review memo emailed to applicant on April 24th.

Bill Brior – Sewage Enforcement Officer – Absent. No report.

Old Business – On the Board of Assessment Appeals Hazleton City Authority's tax exempt status Bob ask April Walters, the School Board President, if the Supervisors would be getting an official response from the School Board. She responded that a letter was being drafted but that the official response is no, we are not going to join the lawsuit. We decided as a group. Some were opposed and some weren't but as a whole we...Bob S. said and you will benefit the most if we would be successful. Now we have to fight the school districts lawyer so that is the reason why. April responded I know that is the reason, I'm sure that is the reason. Bob S.-It's very easy for you to, we aren't asking for money. Paul Bray asked no cost to the school district, right? Bob S.-No cost to the school district, we just want your signatures on that appeal. Susie asked what was the reason for not. April responded that the district was going to benefit one way or the other. Whether you win or lose so to get involved and use resources and time and possibly money. Bob S.-The main issue that we want you on, we don't mind sharing anything that we benefit by it, right, because if you look at what they get on the lower end from Bethlehem City Authority voluntarily you will benefit the most but we want to take your solicitor, the school board solicitor, out of the mix so he can't stand in there and fight for the Hazleton City Authority. Please reconsider. April added that they have a meeting tomorrow night. Bob S. said please, and I know your solicitor is going to say you have no standing. We want to put them on the spot. If we take him out of the mix, he cannot represent the Hazleton City Authority and they will have to secure outside counsel and it's going to cost them money. Or give us something in lieu of taxes. Let them send \$5000 down, the money that went out of this township for logging is unreal. We can't touch it. I don't want to touch the whole thing. I want something in lieu of taxes. We get \$3500/year from the game commission. If they give us a \$1 an acre for their 3200 acres that they have here in the township and we split it between the school district, the township and the county, it's to benefit us. We can put them on the spot and bring them to negotiation before we do it. Robert Bryan asked to speak. He thinks it's not right that Ms. Walters was called out for her being here. She's in an unofficial capacity. She availed herself to answer those questions but in no way did she have to. And she should not have been. She was here as a private citizen, not here as a representative of the school board and I do not think that was fair. Bob S. responded that he had talked to many of the school board and it was his first chance to see April. Mr. Brian-That's fine. I completely understand but April has to answer because she was called out in a public forum but that's not why April is here. If April was here she would have sat down and addressed it, that she was here for that matter. I don't think that was right. Bob S.-I'm sorry, I'm trying to get an answer from them. Mr. Brian-That's not the way to do it. Bob S.-Yes it is. Any way I can answer is the way to do it. Mr. Brian-That answer that she just gave isn't considered official in any way, shape or form. April added-Nor do we have to official get you any...Mr. Brian-Nor did she have to say anything. She availed herself to giving you an answer because that's the way she is. She is a stand up person but she did not have to answer that question. Susie-Then she should have refused to answer. Mr. Brian-She is not going to because that is not who she is. Paul Bray asked to add to old business that the water company dug up the parking lot. Bob S. said we are going to do it ourselves and send them the bill.

Upgrading of the security system is still being looked into. More information from vendors was received and Stephanie added that she will be meeting with Mike Hurley in the morning. Paul had provided his information.

Delinquent garbage accounts discussed previously.

2022 Bituminous Paving Change Order received. Bob S. explains that H & K was heavy on the top coat and light on the subbase. It sort of equaled out but we still saved \$1219. The change order will be signed.

Bob S. asked Atty. Yurchak if he had heard back from the property owner asking for authorization for temporary use of adjacent property for the bridge replacement on Ochre Mill Road. He had not heard back. He sent the letter on April 19th.

Bob S. has 16 properties to add to the Ag Security Area. One of the main purposes is that Dr. Deganhart has his farm in for selection for the farmland preservation program. One farm was in, one isn't so they have signed up all their properties again for the Ag Security Area along with Cloverdale Farms that has the 2 parcels they bought from Dr. Sheers. Most of the rest are Sernak's farm in various LLCs, the Bizarre's, what was the Leininger Farm, Stephen and Joelle Hinkle signed in theirs and John Sernak. Bob is waiting for a signature from Bruce and Becky Gregory. He expects them to sign in the morning. Bob Selert made a motion to approve the additions to the Ag Security Area. Susie Gerhard seconded the motion and Terry Davis agreed. Vote 3-0

New Business – There are multiple different hourly wages for the invoicing for garbage, the Secretary to the Zoning and Planning Boards. Bob Selert made a motion to change salary for the extras from the lower wages to \$14/hour. Susie Gerhard seconded the motion and Terry Davis agreed. Vote 3-0

Coresponse-A notice from Breezeline was received which outlined upcoming price increases to services which will be sent to residents. Terry asked Stephanie if she has heard anything from the company about adding internet service to 3 homes on Round Head Drive. She had not and will send another email. Their construction manager was supposed to touch base with the township.

Bob S.-Discussed the Dirt and Gravel Road Studies by Penn State for paving of roads under 500 vehicles/day. He called the Conservation District who oversees the funds they get at the county level. Carbon County does get \$100,000/year for gravel roads which he believes there is 10 miles of in the county. For low volume road they get \$51,747. This year's money has been allocated for various projects. They don't really give funds out for re-paving. They don't do storm drain work and culvert boxes. He had talked with Chris Storm and moving forward, sometime during the summer, we will see what we can plan for next year as far as reimbursement for supplies. He thought that it was something we would be able to pursue but it turned out that there are many regulations for this. At the Supervisors Convention he attended 6 classes. There weren't any of our representatives at the legislative session. He found out later we have to invite them although they do get a general invitation. One of the things that the Christman's talked about, the Supervisors did defeat the resolution because it was too broad for asking for legislative approval to tighten it up the way they wanted to. There were actually a lot of farms from the western part of the state who are doing this and a lot of that, forever chemicals, you can't use it on vegetables or something that is going to have human consumption for 18 months. That is why you don't see it used here but that resolution was defeated. Prior to the meeting, the Supervisors met with the contractor to discuss replacing the handicap ramp. An estimate for insulating the roof of one of the garages was also requested. Susie added that the contractor was called out because she is writing for a grant through the county. The grant is due Friday.

Bob Selert made a motion to accept the Treasurer's report. Susie Gerhard seconded the motion and Terry Davis agreed. Vote 3-0

Bob Selert made a motion to sign and approve the checks drafted. Susie Gerhard seconded the motion. Terry Davis agreed. Vote 3-0

Paul Bray asked if construction material that was brought from Freeland and burned on Lynn Coll's property was turned over to the zoning officer as DEP had said it should be and if it was on their report. The fire department was there to put out the fire. Nobody was around watching it and it wasn't reported to the County when he lit the fire to if he could even burn. It was a nephew of Lynn's. DEP was notified about it and they said they were in contact with our code enforcement. We have an ordinance for that, burning construction material?

Bob S. said it would probably fall under the junkyard ordinance. Paul said I think I messaged you about it, you told me to call DEP when we were going out to the fire. Bob S. thought he was talking about something else and Paul said it was for the fire on Sand Spring. Does the township have to do anything further? Bob S.-DEP is asking our code enforcement to keep an eye on it. Paul-The fire report was done and submitted to the fire commissioners office. Bob S. confirmed that the zoning officers report notes on April 11th that he spoke to Marybeth from DEP who asked him to keep an eye on both properties, one on Quakake and one on Railroad. Railroad may have been an error as the fires reported were on Quakake and Sandspring. Paul asked if there would be fines for doing that. Bob S. would have to look at the ordinance but the thing is the burning part is DEP. Our ordinance will say you can't debris and we can enforce clean up. The process takes about 6 months but as far as bringing trash into the township whether it is to be burned, bringing refuse from another municipality is technically DEPs preview. It is definitely not ours. Paul confirms that we do not have a burning ordinance. We are allowed to burn as long as they call the 911 center but you are not allowed to burn construction debris per DEP. Bob S. -Per DEP, and then it is DEPs issue. Paul asked why they would be turning it over to our code enforcement then. A resident mentioned the burn ban and Paul said that it was lifted on Thursday. Bob S. if the county has the burn ban he doesn't know how the County enforces that either. Paul responded that when the County puts the burn ban on, a majority of the fire departments have to request the burn ban and they are being requested to do that because of the Dept. of Forestry so if somebody is burning during the burn ban even in this township and the fire department gets dispatched Forestry is coming and that person will get a fine from Forestry. But this wasn't a brush fire, this was a garbage fire, so we don't have an ordinance for that, our code enforcement shouldn't be doing that. DEP should be doing that, right? Bob S. agreed. Paul then asked so should our code enforcement be told that they need to tell DEP to take care of that? Atty. Yurchak will talk to Chip. Paul thinks the fire was April 6th. He was in contact with DEP not code enforcement. They called him the next day because once they canceled forestry, DEP is notified because the type of fire.

Bob S.-Notes his reimbursements for the conference, a plate tamper was purchased wood to modify the truck to send the asphalt to the center chute and the tarp that is coming does not have a front tarp bar to keep the tarp closer to the asphalt. Weather permitting; we expect to start patching by the middle of the month.

Bob Selert made a motion to adjourn the meeting and Susie Gerhard seconded the motion and Terry Davis agreed. Vote 3-0

The meeting was adjourned at 6:43 p.m. A total of 14 residents attended the meeting.

Respectfully submitted,
Stephanie Stolpe
Packer Township Secretary/Treasurer